

REMARKS

The Examiner is of the opinion that the independent claims 87, 122, 128 and 129 are not patentable over Dev in view of Jain and Fan. The applicant respectfully does not agree with that determination.

In the office action, the Examiner concluded that Fan discloses “*polling regularly by a NE at least one other NE which is linked to the NE*” and explained that this conclusion was reached by using the “broadest reasonable interpretation” of the word “polling”.

Fan discloses the following:

*“An automatic network topology identification technique is described herein. **Each node** (containing a routing switch) **in the network periodically or constantly transmits its unique address to its neighboring node.** Once a node receives a different message from its neighbor, the node identifies a topology change in the network. In one embodiment, a current topology is associated with a session number. When a change in the topology is detected, the detecting node increments the session number and broadcasts the change in topology. The other nodes, detecting the changed session number, now know that there has been a change in the network. In response, the nodes in the network modify routing tables and other information stored at the node related to the topology. [emphasis supplied]”*

It is respectfully submitted that the Examiner’s interpretation is overly broad, not correct and extends beyond what is disclosed in the present application. If the applicant were to attempt to amend the claims by modifying step (a) to the extent as now interpreted by the Examiner, then any such amendment would be dismissed as one that adds subject matter not disclosed in the application as filed. For this reason, and for the reasons explained below, the applicant respectfully requests reconsideration.

Applicant's claim wording means that NE1 regularly requests information (polls) from at least NE2 that is connected to NE1. The word "polling" is a verb form, and the wording in the claims makes no doubt which of the NEs initiates the polling -- it is clearly NE1. Applicant's claim wording did not use the term "polling" in a way that is different from the common understanding of this word. In the present invention, NE1, at regular intervals, **requests** some information from NE2 that is connected to NE1.

Fan, by contrast, discloses that NE, at regular intervals, transmits some information. Fan, however, fails to disclose the step of **requesting** (polling) the NE that transmits the information by another NE connected to it. The two situations are clearly different and must not be equated.

In consequence, any combination of Dev and Fan would result in a solution in which NEs send their unique addresses to their neighbors **without** any request (i.e., without any polling) to do so. This is **not** the same as defined in the independent claims of the present invention.

In addition, the applicant also respectfully does not agree with the Examiner that a person of ordinary skill in the art would combine the teachings of Dev and Jain to introduce the feature of *"receiving by a network management system a notification from the NE in the network of a down status of one of the neighboring NEs"*.

Dev discloses a centralized system in which all information is gathered and analyzed by a Network Management System (NMS) to feed the model with necessary data to work. Jain, in contrast, discloses a decentralized system of dealing with failures in which information about a detected fault is sent by one NE to its neighboring NE.

Jain **fails to disclose** sending this information to an NMS. Paragraphs 15 and 18, for example, teach **away** from using the solution of Jain to modify that of Dev. In paragraph 15, it is explained that by sending the information about the failure to the neighbors in a short time, each router

in the network is notified about the failure. Hence, the objective of Jain is to notify all routers in the network of the failure in a very short time, and *not the NMS*.

Then, in paragraph 18, Jain teaches that when a node becomes aware of a failure, and the failure affects that node, then said node takes appropriate steps to recover from the fault. This is *contrary* to the teaching of Dev, where the information about failure is used by the model implemented in the central NMS to isolate the source of a fault and to suppress the fault status of downstream network devices. It is respectfully submitted that the person of ordinary skill in the art would *not* use the approach in which faults are dealt with locally (Jain) to modify the teaching based on a centralized approach to suppress the faults (Dev), because this would require departing from the inventive concept of Dev's solution.

Since Fan fails to disclose the step of regular polling by a NE of another NE linked to it, and since a person skilled in the art would not use the teaching of Jain to modify the solution of Dev, the applicant respectfully submits that the independent claims of the present application are novel and non-obvious, and that this application is now in order for allowance.

Wherefore, a favorable action is earnestly solicited.

Respectfully submitted,

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